

IN SENATE OF THE UNITED STATES.

JULY 3, 1848.

Submitted, and ordered to be printed.

Mr. BORLAND made the following

REPORT:

[To accompany bill S. No. 306.]

The Committee on Public Lands, to whom was referred the "petition of citizens of Arkansas, praying an additional section of land for common schools in each township, and the exchange of 16th sections, in certain cases, for other lands," submit the following report:

From the petition, and other reliable sources of information, it appears that the State of Arkansas, in common with many of the new States, is lamentably destitute of the means of education, particularly in the department of "common schools;" that the people of this State have ever been sensibly alive to the value of mental improvement for their children, painfully conscious of the destitution, in this respect, under which they suffer, and laudably active in their exertions to remedy the evil; that the donations of the general government have been apparently liberal for the establishment of institutions of learning; but that, from causes wholly unavoidable, either by the State government, by those persons specially charged with the interests of education, or by the people in their private capacity, the destitution complained of continues, in great part, unrelieved, and the bounty of the government remains unavailable for the beneficent objects of its intention, except in a few instances, and within very narrow limits.

The causes which have operated, and are still in force, to disappoint the wishes and paralyze the exertions of the State government, its agents, and the people, and to defeat the beneficent designs of the general government, are found, in great part at least, in the low price of the public lands, in the bad quality of the soil, and unfavorable localities of many of the particular sections of land appropriated for common schools.

When the policy of granting to the States, for the establishment of common schools, the 16th section, or the 36th part of every township, was originally adopted, and as late as 1820 the minimum price of the public domain was fixed at *two dollars* an acre. Even at that rate the sum produced by the sale of a section of land was sufficient only for the maintenance of a school during a small part of each year. And when, at the date mentioned, the price was reduced to *one dollar and a quarter* an acre, it is obvious that the sum produced by such a sale, at the reduced price, being only \$800, became utterly inadequate to the reasonable and beneficent purpose of the donation, however judiciously invested or faithfully administered.

There have been a very few instances, it is believed, (but so few as to prove the rule by exception,) in which the 16th section has been found of such good quality, or deriving such factitious value from circumstances of locality, as to command a price sufficiently above the minimum rate of public land to establish and maintain such a school as was contemplated by the law which made the donation. And in two instances at least, where the circumstances of locality were such as to confer extraordinary value on the 16th section, and if allowed to take their regular course would have produced a most bountiful endowment for each of the schools entitled to them, acts of Congress were interposed to divert them from this course, in one instance, to the convenience of the general government in establishing a military post, and, in the other instance, to the benefit of a county in the erection of a court-house, jail, &c. [See *Acts of Congress*, chap. 75, June 26, 1834, and chap. 404, August 29, 1842.]

On the other hand, it is found, in many instances, if not generally, that the 16th section is of an inferior quality of soil, and often very unfavorably located. So that, while very few townships have been benefitted by the possession of 16th sections of inherent superiority of soil, or of extraordinary value from locality, to some have been allotted those of average quality, worth no more than the minimum price of public land; and to many have fallen those which are utterly worthless and unsaleable.

To remove the disabilities, and remedy the evils thus set forth, the petition prays Congress to grant an additional section of land in each township for the use of common schools, and to permit an exchange of inferior for good sections.

As one cause of the failure of these schools in Arkansas, the reduction of the price of public lands is mentioned, but not complained of. On the contrary, the reduction heretofore effected is cordially approved, and a further reduction to 75 cents, 50 cents, and 25 cents an acre, in proportion to the length of time the land shall have been in market, is advocated as perfectly accordant with enlightened policy, and the true interests of the people. And such farther reduction, as the probable policy of the government, is urged as an additional argument for a speedy compliance with the prayer of the petition, in order that the donation may be made

available, while it will command a price adequate to the purpose of the grant.

In considering this subject, a retrospect of the action of our government will show that the legislation of Congress has been founded in a wise policy, and marked by liberal provisions. With a general regard for the morals and intelligence of the people, and in careful guardianship of our rising communities, liberal donations of land, as they were regarded at the time, have ever been made, alike to States, to corporations, and to individual citizens, for purposes of education. In faithful administration of the public domain, with the rights only of trustee, but the duties of proprietor, to develop the character and capabilities of various portions of it, and to favor its sale and settlement, large portions have been freely granted, on conditions, in order that the consequent value of the part remaining to the government should exceed the prior value of the whole. This policy has, in the main, been as successful in practice as the motives to its adoption were enlightened and patriotic. And, so long as a single good it contemplates shall remain to be done, or a single evil it deprecates requires to be removed, every consideration of propriety, moral and political, demands that it shall be continued, and even enlarged in its liberality. This policy has been, and should continue to be, to contribute to the moral and intellectual elevation of the people, (and especially of the rising generation,) and to add value to all the neighboring lands, by the establishment of one common school (and more if practicable) in every township of every State where such institutions do not already exist, and the maintenance of them, in permanent and useful operation, wherever they now are or shall hereafter be established. Such, no doubt, were the purposes of the first and all subsequent laws; such must have been the reasons for granting the 16th sections for common schools. At the times and under the circumstances of such grants, they were deemed amply sufficient for that purpose. And, in many portions of the country, they are so still. In densely populated States—even some of the new States—on navigable rivers and in the vicinity of towns, a section of land of ordinary quality would produce by its sale a munificent endowment for a common school; in some instances, even for a college. But in several, perhaps in most of the new States, where the population is sparse—where much of the land is of inferior quality and unfavorably located, and where there are large quantities of public land in market, the sale of a section of land would produce a sum so small as to be utterly inadequate either to the establishment or maintenance of a school of any character or utility. Under such circumstances, the motive of the grant is as much disappointed, and its purpose as completely defeated, as if no grant whatever had been made.

If it be conceded, as doubtless it will be by all, that the past legislation of Congress, in the matter of these grants of land for the purposes of education, has been wise and proper, there can be no reason why it should not be continued. Indeed, the extension

of our country, the progress of our people, the enlarged scope of our institutions, and the consequent increased importance of virtue and intelligence, as the controlling elements of the popular power, demand rather that such legislation should be even more extended, and made more liberal, than that it should be either restricted or abandoned. Looking both to the past and to the future, and considering alike the high motives and beneficent purposes of those who have preceded us in the conduct of public affairs, a wise consistency makes it the duty of those now in power to carry out the policy to which they have succeeded; and, bearing in mind the reason in which it originated, to extend and adapt it to the increased wants and altered circumstances of the country. In doing this, no question of power, limited by the amount to be appropriated, confronts us. It is alone a question of right as to the propriety of the appropriation. This is admitted. If, therefore, it was wise and proper to grant one section of land in each township for a common school, in times and under circumstances which made one section adequate to the purpose, it must be equally wise and proper to grant two or more sections for the same purpose, now that times and circumstances have so reduced the price of lands as to make two or more sections no more than equivalent to the former value of one section.

The prayer of the petition, though two-fold in terms, is founded in the single reason of the propriety of making the amount of the grant adequate to its purpose. It is held that, owing to the large quantity of public land in the market, and its low price, two sections of good land, well situated, are necessary, and barely sufficient, to establish and maintain a common school in each township in Arkansas. It is therefore prayed that, in addition to the one section already granted by existing laws, another section be granted in like manner. It is held, also, that many of the 16th sections heretofore granted are worthless and unsaleable. It is, therefore, prayed that permission to exchange these valueless sections, for such as are of good quality, be granted.

Besides the general policy above discussed, the precedents of legislation are all in favor of the prayer of the petition. Additional grants, in some instances of entire townships of land, have been made to different States, when the original grant has been found insufficient for the purpose it was intended to accomplish. [*See Acts of Congress, chap. 57, sec. 6, April 19, 1816, and chap. 538, sec. 6, March 6, 1820.*] And the instances are numerous in which exchanges have been allowed, when circumstances made it desirable, that other lands than those originally granted should be used for the purpose of the grant. Two instances have already been indicated in which these exchanges were detrimental to the school interest. Others, in which they have been deemed advantageous to the schools, are of frequent occurrence. [*See Acts of Congress, chap. 334, sec. 3, March 3, 1803; chap. 46, sec. 6, April 21, 1806; chap. 406, May 29, 1830; chap. 659, secs. 1 and 2, April 20, 1832; chap. 300, sec. 6, August 4, 1842; chap. 314, August 11*

1842; *chap.* 725, *June* 15, 1844; *chap.* 172, *secs.* 1 and 2, *August* 8, 1846.]

In conclusion, the committee are of opinion that the prayer of the petition ought to be granted, and, for that purpose, recommend the passage of the accompanying bill.

1891; each 75¢, June 15, 1891; each 125¢, Dec. 1 and 2, August 2, 1891. In conclusion, the committee are of opinion that the prayer of the petition ought to be granted, and for that purpose recommend the passage of the accompanying bill.

